

January 8, 2015

VIA ECF FILING

The Honorable Charles R. Breyer
United States District Judge
Courtroom 6, 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Application of Lesley E. Weaver for Appointment to Steering Committee in *In re Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, 15-MD-2672 CRB (JSC)*

Dear Judge Breyer,

By this letter, I submit my application for a steering committee position in the above-referenced action. I am an equity partner in Block & Leviton LLP (“B&L”), a national firm with offices in the Bay area, and I seek to represent Porsche consumers, and/or act as liaison counsel to public entities, including municipalities, states and government agencies who have unique interests in protecting the health and well-being of their constituents and the environment.

Professional Experience:

I have eighteen years’ experience in complex class action litigation, involving consumer and antitrust claims as well as landmark securities and corporate governance actions, with a focus on representing public entities. With the support of Louise Renne, the former City Attorney of San Francisco, my firm was appointed to the steering committee in *In re Lithium Ion Batteries Antitrust Litigation*, Case No.13-md-02420 (N.D.Cal.); I personally have acted as the primary liaison representative for the municipal entities in that action. Similarly, I was retained by four municipalities in *In re Automotive Parts Antitrust Litigation*, Case No. 12-md-02311 (E.D.Mich.), which was ultimately settled on a non-class basis far in excess of the entities’ actual damages.¹ I successfully tried a consumer class action as recently as October 2014, resulting in a punitive damages award of fifteen times economic damages.² I was personally appointed co-lead counsel for indirect purchasers in *In re Domestic Drywall Antitrust Litigation*, Case No. 13-md-2437 (E.D.Pa.).

¹ Ms. Weaver’s firm took no fees in the case.

² *Doe v. SuccessfulMatch.com*, Case No. 11-cv-21120, Judge Carrie A. Zepeda presiding (resulting in 100% recovery of damages and \$15 million punitive damages verdict). Although the current action will likely resolve before trial, trial experience can nonetheless inform case assessment, judgment and settlement negotiations.

Further, I studied at the University of Bonn and both lived and worked in Germany at Bayer AG in Leverkusen.³ I later represented a German manufacturer in trademark infringement claims. Some of the claims asserted by B&L in this case – particularly, the early consideration of whether or not to name Bosch as a defendant – were informed by research I performed in German. This cultural understanding and language facility may be particularly helpful in the context of constructing a fair and efficient resolution in this complex matter.

Contact Information for Judges Presiding Over Matters Identified in Category 1:

Case	Judge	Telephone Number
<i>Doe v. SuccessfulMatch.com</i> , Case No. 11-cv-21120 (Santa Clara County)	The Hon. Carrie A. Zepeda	(408) 882-2320
<i>In re Lithium Ion Batteries Antitrust Litigation</i> , Case No.13-md-02420 (N.D.Cal.)	The Hon. Yvonne Gonzalez Rogers	(510) 637-3540
<i>In re Automotive Parts Antitrust Litigation</i> , Case No. 12-md-02311 (E.D.Mich.)	The Hon. Marianne Battani	(313) 234-2625
<i>In re: Domestic Drywall Antitrust Litigation</i> , Case No. 13-md-2437 (E.D.Pa.)	The Hon. Michael Baylson	(267) 299-7520

Willingness and Ability to Commit to this Litigation, Work Cooperatively, and Access to Resources (Categories 3-6):

My firm and I have already committed time and *appropriate* resources to advancing this case. B&L participated in sending the first notice of intent to file a Clean Air Act claim, which provided notice to the Department of Justice of claims to be brought on consumers' behalf, and then *coordinated* with the government.⁴

Separately, because of the collateral harm to the public inflicted by defendants' actions – not only with respect to environmental damage, but also the public nuisance associated with the increased burdens on public entities to redress the harm inflicted by the defendants – I consulted with various municipal entities about how best to protect the public, including those who have evinced interest in the matter but are waiting for events to unfold before asserting themselves. A critical piece of restitution must consider the burden on communities of the added pollution and the setback to green automotive development. Mindful of potential government action, I have urged municipal restraint at this time. This demonstrates an interest in public welfare beyond my firm's immediate interest. Such restraint is critical in this unprecedented case involving many different and significant interests and parties.

³ Studies and work were entirely in German, after satisfying requisite language proficiency exams.

⁴ See Motion to Intervene as of Right by Plaintiff-Intervenors Maria Bourn, David Watson, Stephen Verner, Mark Schumacker, and The Center For Auto Safety, *United States of America v. Volkswagen AG, et al.*, Case No. 16-cv-10006 (E.D.Mich.) (Dkt No. 4).

Additionally, I represent the first-filed plaintiff in this MDL who purchased an affected Porsche vehicle and sued the Porsche entities. That complaint was filed on November 11, 2015, pursuing the Porsche claims with the VW claims, which is the most appropriate and efficient handling of this matter.⁵

B&L has significant resources and brings them to bear effectively, as reflected in the attached firm resume.⁶ Further, attached as Appendix B is a list of individual attorneys of well-deserved reputation who support my appointment. Neither I nor B&L has any agreement with any of the lawyers supporting this application relating in any way to the prosecution of this case, or with any other firm seeking appointment. These recommendations are based solely on collegial working relationships and/or prior professional experience with these lawyers or their firms. I will work in any role the Court finds appropriate.

Category of Plaintiffs:

If the MDL Panel is inclined to consolidate the purported Porsche MDL with this one – a conclusion supported by the defendants and by many plaintiffs in that proceeding – and the Court nonetheless entertains concerns about potential conflicts or differences in pursuing those claims, I and my firm will capably, and fairly, represent the interests of Porsche plaintiffs.

Moreover, my demonstrated ability to act as a bridge between public agencies and the private bar, in a fair and balanced way, recommends my appointment here.

Resolution of this case will demand sophistication, cooperation, and a submission, at times, to a greater goal to reach compromise, as well as the confidence to consider claims and take action that others have not entertained. I and my firm are capable of such work, and respectfully request the opportunity to engage in it.

Very Respectfully Yours,

/s/ *Lesley E. Weaver*

Block & Leviton LLP

⁵ Defendants and other plaintiffs agree. *See* Response of Defendant Volkswagen Group of America, Inc. in Opposition to Creation of Separate MDL and in Opposition to Transfer of Related Actions to Northern District of Georgia, *In re Porsche “Clean Diesel” Marketing, Sales and Product Liability Litigation*, case no. 15-md-2683 (J.P.M.L.) (“Porsche MDL”) (Dkt No. 14); Response of the Porsche Defendants in Opposition to Plaintiffs’ Motion for Transfer, *Porsche MDL*, (Dkt No. 15); and Response in Opposition to Motion for Transfer of Actions to the Northern District of Georgia Pursuant to 28 U.S.C. § 1407 and for Coordinated or Consolidated Pretrial Proceedings, *Porsche MDL*, (Dkt No. 17).

⁶ The firm possess significant resources available to litigate complex class actions such as this, as reflected in the firm’s resume, attached as Exhibit A hereto. Recent retention by various state Attorneys General and significant pension funds underscore that those public entities have found the firm deserving and capable. However, we are a modestly sized firm that prides itself on integrity in decisions as to how to use resources. We do not hire legions of contract attorneys to review documents and churn files; we hire lawyers to join our firm and advance cases.